IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 9TH AUGUST 2006 / 18TH SRAVANA 1928

Bail Appl..No. 4702 of 2006

CRMP.3209/2006 of DISTRICT COURT, KOLLAM
CRIME NO.510/2006 OF KUNDARA POLICE STATION

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PETITIONER/ACCUSED

JOY, S/O.YESUDASAN, AGED 35 YEARS,
PALAVILA PADINJATTATHIL, PERAYAM,
MULAVANA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI. K.SIJU
SRI.S.SUDHEESHKAR

RESPONDENTS: STATE

STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
KUNDARA P.S. THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4702/2006

DATED THIS THE 9TH DAY OF AUGUST, 2006

O R D E R

The petitioner is accused of the offence punishable under Sections 397 and 354 IPC, as he is alleged to have snatched away the gold chain, belonging to the defacto complainant, a woman, while she was walking along the public road at 2.00 p.m on 5.6.2006. At her instance, Kundara Police registered crime No.510/2006 against the petitioner. He had surrendered before the Court below, on 16.6.2006.

2. It is submitted by the learned counsel that the police sought the custody of the petitioner and he had been interrogated, accordingly. The petitioner remains in judicial custody from 16.6.2006, as his earlier bail application had been rejected. Hence the second application is preferred, under Section 439 Cr.P.C.

3. When the application came up for

consideration, the learned counsel submitted that the petitioner and the defacto complainant are neighbours and they knew each other. The counsel, therefore, expressed surprise on the way in which, the allegations are made against the petitioner that a thirty five year old person, who attempted to snatch the gold chain of a woman, whom he knew for long, and being neighbours, attempted to outrage her modesty at a public place. The learned counsel therefore, submitted that this is a fully false case, registered at the instance of extraneous forces, and the second crime allegedly registered is also with an ulterior motive. These are all the contentions, which the accused may make at the time of the trial.

4. Therefore, without expressing any opinion on the merit of the matter, I grant bail and release the petitioner from jail, subject to the following condition:-

(a). The petitioner shall execute a bond for Rs.20,000/-, with two solvent

sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Kollam.

The application is allowed as above.

J.M.JAMES
mrcs **JUDGE**